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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,229

02/05/2004

Robert Paul Morris

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EXAMINER

LUU, LE HIEN

ART UNIT

PAPER NUMBER

2141

MAIL DATE

DELIVERY MODE

05/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.:

10/774,229

Applicant(s)

MORRIS, ROBERT PAUL

Examiner

Le H. Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/05/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-38 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-38 are rejected under 35 U.S.C. § 102(e) as being anticipated by Green et al. (Green) Pub. No. 2004/0172455.

4. As to claim 1, Green teaches the invention as claimed, including a method for transmitting data utilizing a plurality of communication applications simultaneously in a communication device supporting the plurality of communication applications, the method comprising:

a) establishing a first communication session between a user of the communication device and a recipient via a first communication application supported by the communication device (pages 3-4, paragraphs [0033 – 0037]; page 6, paragraph [0062 – 0064]);

b) invoking a second communication application in response to user input to transmit data to the recipient via the second communication application during a communication session concurrent with the first communication session (page 6, paragraphs [0064 – 0065]) ; and

c) in response to invoking the second communication application, automatically retrieving communication information related to the recipient and necessary to establish the concurrent communication session via the second communication application (pages 6-7, paragraphs [0065 - 0068]).

5. As to claim 2, Green further teaches transmitting data to the recipient via the second communication application while the first communication session continues uninterrupted (page 3, paragraph [0028]).

6. As to claim 3, Green teaches the retrieving step (c) further includes: c1) determining whether the first communication session is ongoing; c2) returning communication information used to establish the first ongoing session; and c3) utilizing the returned communication information to retrieve the related communication information (pages 6-7, paragraphs [0065 - 0068]).

7. As to claims 4-6, Green teaches the retrieving step (c) further includes: c1) retrieving the related communication information from a profile corresponding to the recipient, wherein the profile includes communication information necessary to establish a connection with the recipient via any of the plurality of supported communication applications; the profile is stored in a database in memory in the communication device; or the profile is stored in a database in a remote server accessible by the communication device (page 5, paragraphs [0053 – 0054]).

8. As to claim 7, Green teaches the retrieving step (c1) further includes: c1i) submitting a query to retrieve the related communication information, wherein the query includes, as an input parameter, communication information used to establish the first communication session via the first communication application; c1ii) identifying the profile corresponding to the recipient using the input parameter; and c1iii) selecting, from the identified profile, the appropriate communication information necessary to support a connection via the second communication application (page 5, paragraphs [0053 – 0054]; pages 6-7, paragraphs [0065 - 0068]).

9. As to claims 8-10, Green further teaches d) after establishing the first communication session in step (a), receiving a profile corresponding to the recipient from the recipient's communication device; e) automatically updating an existing profile for the recipient, if one exists; and f) storing the recipient's profile in memory; g) requesting the recipient's profile from the recipient's device prior to receiving step (d); or g) transmitting a profile corresponding to the user to the recipient device (page 5, paragraphs [0053 – 0054]; pages 6-7, paragraphs [0065 - 0068]).

10. As to claim 11, Green further teaches e) prior to transmitting step (d), returning the related communication information to the second communication application, wherein the second communication application uses the related communication information to establish the concurrent communication session (pages 6-7, paragraphs [0065 - 0068]).

11. As to claims 12-13, Green teaches the invoking step (b) includes: b1) initiating by the user the second communication application directly; or the invoking step (b) includes: b1) requesting by the user to transmit data; b2) selecting by the user data to be transmitted; and b3) automatically invoking the second communication application suitable for transmitting the data selected by the user (pages 6-7, paragraphs [0065 - 0068]).

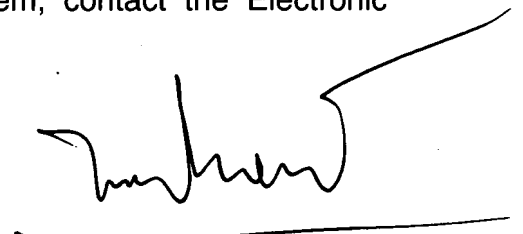
12. As to claim 14, Green teaches the communication information includes one or more phone numbers, one or more email addresses and dynamically assigned IP addresses (pages 6-7, paragraphs [0065 - 0068]).

13. Claims 15-38 have similar limitations as claims 1-14; therefore, they are rejected under the same rationale.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIEN LUU  
PRIMARY EXAMINER